

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHELLE SMITH,

Plaintiff,

v.

Case No. 14-11804  
Honorable Denise Page Hood

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Anthony P. Patti's Report and Recommendation on Plaintiff Michelle Smith's Motion for Summary Judgment [**Docket No. 13, filed October 14, 2014**] and Defendant Commissioner's Motion for Summary Judgment [**Docket No. 14, filed November 13, 2014**]. Plaintiff filed an Objection to the Magistrate's Report and Recommendation [**Docket No. 18, July 1, 2015**]. Defendant filed a Response to the Objection [**Docket No. 19, filed July 7, 2015**]. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Defendant Commissioner's Motion for Summary Judgment [**Docket No. 14, filed November 13, 2014**] is **GRANTED**, and Plaintiff's Motion for Summary Judgment [**Docket No. 13, filed October 14, 2014**] is **DENIED**.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion (*Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984)). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference (*Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987)). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility (*Garner*, 745 F.2d at 397). The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion (*Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the ALJ's finding that Plaintiff's impairments do not meet or medically equal an impairment listed in 20 C.F.R. Part 404, Subpart P, Appendix 1 is supported by substantial evidence. The Magistrate Judge reviewed the ALJ's findings and the record thoroughly in reaching his conclusion. The Court also agrees with the Magistrate Judge that the ALJ

appropriately articulated Plaintiff's Residual Functional Capacity, and provided a sufficiently specific explanation for her credibility determination. The Court agrees with the Magistrate Judge's recommendation that the records Plaintiff identified in her request for a Sentence Six Remand do not warrant remand for consideration of new and material evidence. The Magistrate Judge set forth specific examples of how the ALJ's findings were supported by the record. Plaintiff's objections are based on the same arguments raised in her summary judgment motion brief.

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of Magistrate Judge Anthony P. Patti [**Docket No. 17, filed June 19, 2015**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment [**Docket No. 13, filed October 14, 2014**] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Commissioner's Motion for Summary Judgment [**Docket No. 14, filed November 13, 2014**] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Commissioner's decision is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the case is **DISMISSED** with prejudice.

s/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: July 31, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2015, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager